

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACK BIZELIA; HRIPSIME HARUTYUYAN;
ANAHIT MATEVOSYAN,

Plaintiffs,

-against-

CLINTON TOWERS MANAGEMENT,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/28/2020

20-CV-8065 (JPC)

ORDER OF SERVICE

JOHN P. CRONAN, United States District Judge:

Plaintiffs, appearing *pro se*, bring this action under the Fair Housing Act, 42 U.S.C. § 3601, *et seq.* By order dated October 26, 2020, the Court granted Plaintiffs' requests to proceed without prepayment of fees, that is, *in forma pauperis*.

DISCUSSION

A. Substitute Clinton Towers Housing Co., Inc., and P & L Management and Consulting, Inc.

Plaintiffs name Clinton Towers Housing Co., Inc., and P & L Management and Consulting, Inc., as defendants on their IFP Applications, but they name only "Clinton Towers Management" as a defendant on the complaint. Because it appears that Clinton Towers Housing Co., Inc., and P & L Management and Consulting, Inc., are proper defendants, the Court directs the Clerk of Court under Rule 21 of the Federal Rules of Civil Procedure to substitute these defendants in place of "Clinton Towers Management." This amendment is without prejudice to any defenses that Defendants Clinton Towers Housing Co., Inc., and P & L Management and Consulting, Inc., may wish to assert.

B. Service on Defendants

Because Plaintiffs have been granted permission to proceed IFP, Plaintiffs are entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within 90 days of the date the complaint is filed, Plaintiffs are proceeding IFP and could not have served the summons and complaint until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued. If the complaint is not served within that time, Plaintiffs should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App’x 50, 52 (2d Cir. 2010) (“As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals’ failure to effect service automatically constitutes ‘good cause’ for an extension of time within the meaning of Rule 4(m).”).

To allow Plaintiffs to effect service on Defendants Clinton Towers Housing Co., Inc., and P & L Management and Consulting, Inc., through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon each defendant.

Plaintiffs must notify the Court in writing if their address changes, and the Court may dismiss the action if Plaintiffs fail to do so.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiffs, together with an information package.

The Clerk of Court is further instructed to: (1) substitute Clinton Towers Housing Co., Inc., and P & L Management and Consulting, Inc., as defendants in place of “Clinton Towers Management,” and (2) complete the USM-285 forms with the address for Defendants Clinton Towers Housing Co., Inc., and P & L Management and Consulting, Inc., and deliver to the U.S. Marshals Service all documents necessary to effect service.

SO ORDERED.

Dated: October 28, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'John P. Cronan', is written over a horizontal line.

JOHN P. CRONAN
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Clinton Towers Housing Co., Inc.
790 11th Ave.
New York, NY 10019
2. P & L Management and Consulting, Inc.
301 Fields Lane, #201
Brewster, NY 10509